

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re:

Michael Antonio Curry and  
Debra Susan Curry,  
  
Debtors.

Case No. 17-10433  
Chapter 13  
Plan filed on March 31, 2017  
Confirmation Hearing: June 9, 2017  
Honorable A. Benjamin Goldgar

**OBJECTION TO CONFIRMATION OF PLAN**

NOW COMES Baxter Credit Union (hereinafter referred to as "Creditor"), a secured creditor herein by its attorneys, Heavner, Beyers & Mihlar, LLC, and moves this Honorable Court for an Order denying confirmation of Debtors' plan filed March 31, 2017, and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. Section 1334 and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.
2. Debtors filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on March 31, 2017.
3. That enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. Section 362 of the Bankruptcy Code.
4. Said Creditor is a mortgage holder or servicer on the property commonly known as 214 Chesapeake Bay, Winthrop Harbor, IL 60096.
5. The Debtors' plan proposes a monthly payment of \$1,955.00 for 60 months to the Standing Trustee for the benefit of creditors.
6. That the Debtors have used a version of the District's model plan for their Chapter 13 plan and said model contains language negatively impacting the Creditor.
7. The plan proposes to make no payments to Baxter Credit Union for the real property located at 214 Chesapeake Bay, Winthrop Harbor, IL 60096 as Debtors intend to surrender their interest in said property.

8. Pursuant to the Bankruptcy Code, upon liquidation of the collateral, a Creditor is entitled to file an unsecured Proof of Claim for any deficiency balance.

9. Debtors' attempt to surrender the property without allowing an unsecured claim is an effort to avoid paying Baxter Credit Union its unsecured claim.

10. By proposing to surrender in full satisfaction, the Debtors' plan fails to treat Baxter Credit Union in a manner consistent with the Bankruptcy Code.

WHEREFORE, this Creditor, Baxter Credit Union, and/or its assigns, requests the Court enter an Order denying confirmation of the Debtors' Chapter 13 plan.

Dated this 8th day of June, 2017.

Baxter Credit Union,

By: /s/ Amanda J. Doyle

Amanda J. Doyle  
One of its attorneys

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